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CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 347

Introduced by Assembly Member Nava

February 14, 2007

An act to amend Sections 35186, 37254, 52378, and 52380 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 347, as amended, Nava. Pupils: high school exit examination: intensive instruction and services.

(1) Existing law requires each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

Existing law provides specified funding for eligible pupils, as defined, who are required to pass the high school exit examination, to be used for intensive instruction and services for those pupils, and provides for the allocation of those funds, based on a per pupil rate calculation, to schools. As a condition of receiving funding, a school district is required to accomplish certain matters, including, among other things, ensure that each eligible pupil receives an appropriate diagnostic assessment to identify that pupil's areas of need.

This bill, among other things, would revise the definition of “eligible pupil” to include pupils who have not passed one or both parts of the high school exit examination within 2 consecutive academic years of completion of grade 12, revise the calculation for determining the per pupil rate for purposes of funding, *authorize the receipt of intensive instruction and services on Saturdays, evenings, or at a time and location deemed appropriate by the school district for pupils who have not passed one or both parts of the exit examination within 2 consecutive academic years of completion of grade 12*, require a school district to accomplish additional matters relating to pupils who have not passed one or both parts of the exit examination by the end of grade 12, and require the State Department of Education to use a certain existing monitoring process to monitor compliance with the requirement to permit pupils who have not passed one or both parts of the exit examination by the end of grade 12 to be provided with intensive instruction and services, and to provide written notification to a school district that fails to comply with certain provisions.

(2) Existing law requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. A notice regarding the appropriate subjects of a complaint is required to be posted in each classroom in each school in the school district and a complaint regarding those deficiencies is required to be filed with the principal of the school or his or her designee.

This bill also would require a school district to use its uniform complaint process to help identify and resolve any deficiencies related to intensive instruction and services provided to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12. The bill would also require the notice, for certain classrooms, to include certain information about the entitlement to receive the intensive instruction and services, and would require a complaint regarding any deficiency related to intensive instruction and services to be submitted to the district official designated by the district superintendent. By imposing additional duties on school districts, this bill would impose a state-mandated local program.

(3) Existing law establishes the Middle and High School Supplemental Counseling Program and requires the governing board of a school district that maintains any of grades 7 to 12, inclusive, as a

condition of receiving funds appropriated for purposes of that program, to adopt a counseling program at a public meeting that includes, among other things, a provision for a counselor to meet with each pupil, as specified, to explain the academic and deportment records of the pupil, his or her educational options, the coursework and academic progress needed for satisfactory completion of middle or high school, passage of the high school exit examination, and the availability of career technical education. In addition to these counseling services, a school district is required to identify certain pupils, such as those at risk of not graduating with the rest of their class, and to require its schools to provide certain assistance in developing a list of coursework and experience. As a further condition of receipt of funds, a school district is required to submit an annual report that describes certain matters, including the number and percentage of pupils who participated in conferences and who fail to pass one or both sections of the high school exit examination.

This bill also would require the counselor to explain the availability of intensive instruction and services options for up to 2 consecutive academic years after the completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first, for those pupils who have not passed one or both parts of the exit examination by the end of grade 12. The bill also would require a school district, for the identified pupils, to inform a pupil who has not passed one or both parts of the high school exit examination of the option of intensive instruction and services. The bill would require the report to also contain an assurance that the school district has complied with the provision that requires a school counselor to apprise a pupil of certain information during an individual conference.

(4) This bill would make other technical, nonsubstantive changes to existing law.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 35186 of the Education Code is amended to read:

35186. (a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, teacher vacancy or misassignment, and intensive instruction and services provided pursuant to Section 37254 to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) Except as provided pursuant to paragraph (4), a complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(4) A complaint regarding any deficiencies related to intensive instruction and services provided pursuant to Section 37254 to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12 shall be submitted to the district official designated by the district superintendent. A complaint may be filed at the school district office, or it may be filed at the schoolsite and shall be immediately forwarded to the designee of the district superintendent.

1 (b) The principal or the designee of the district superintendent,
2 as applicable, shall make all reasonable efforts to investigate any
3 problem within his or her authority. The principal or designee of
4 the district superintendent shall remedy a valid complaint within
5 a reasonable time period but not to exceed 30 working days from
6 the date the complaint was received. The principal or designee of
7 the district superintendent shall report to the complainant the
8 resolution of the complaint within 45 working days of the initial
9 filing. If the principal makes this report, the principal shall also
10 report the same information in the same timeframe to the designee
11 of the district superintendent.

12 (c) A complainant not satisfied with the resolution of the
13 principal or the designee of the district superintendent has the right
14 to describe the complaint to the governing board of the school
15 district at a regularly scheduled hearing of the governing board.
16 As to complaints involving a condition of a facility that poses an
17 emergency or urgent threat, as defined in paragraph (1) of
18 subdivision (c) of Section 17592.72, a complainant who is not
19 satisfied with the resolution proffered by the principal or the
20 designee of the district superintendent has the right to file an appeal
21 to the Superintendent, who shall provide a written report to the
22 state board describing the basis for the complaint and, as
23 appropriate, a proposed remedy for the issue described in the
24 complaint.

25 (d) A school district shall report summarized data on the nature
26 and resolution of all complaints on a quarterly basis to the county
27 superintendent of schools and the governing board of the school
28 district. The summaries shall be publicly reported on a quarterly
29 basis at a regularly scheduled meeting of the governing board of
30 the school district. The report shall include the number of
31 complaints by general subject area with the number of resolved
32 and unresolved complaints. The complaints and written responses
33 shall be available as public records.

34 (e) The procedure required pursuant to this section is intended
35 to address all of the following:

36 (1) A complaint related to instructional materials as follows:

37 (A) A pupil, including an English learner, does not have
38 standards-aligned textbooks or instructional materials or
39 state-adopted or district-adopted textbooks or other required
40 instructional material to use in class.

1 (B) A pupil does not have access to instructional materials to
2 use at home or after school.

3 (C) Textbooks or instructional materials are in poor or unusable
4 condition, have missing pages, or are unreadable due to damage.

5 (2) A complaint related to teacher vacancy or misassignment
6 as follows:

7 (A) A semester begins and a teacher vacancy exists.

8 (B) A teacher who lacks credentials or training to teach English
9 learners is assigned to teach a class with more than 20-percent
10 English learner pupils in the class. This subparagraph does not
11 relieve a school district from complying with state or federal law
12 regarding teachers of English learners.

13 (C) A teacher is assigned to teach a class for which the teacher
14 lacks subject matter competency.

15 (3) A complaint related to the condition of facilities that pose
16 an emergency or urgent threat to the health or safety of pupils or
17 staff as defined in paragraph (1) of subdivision (c) of Section
18 17592.72 and any other emergency conditions the school district
19 determines appropriate and the requirements established pursuant
20 to subdivision (a) of Section 35292.5.

21 (4) A complaint related to the provision of intensive instruction
22 and services pursuant to paragraphs (4) and (5) of subdivision (d)
23 of Section 37254.

24 (f) In order to identify appropriate subjects of complaint, a notice
25 shall be posted in each classroom in each school in the school
26 district notifying parents, guardians, pupils, and teachers of the
27 following:

28 (1) There should be sufficient textbooks and instructional
29 materials. For there to be sufficient textbooks and instructional
30 materials each pupil, including English learners, must have a
31 textbook or instructional materials, or both, to use in class and to
32 take home.

33 (2) School facilities must be clean, safe, and maintained in good
34 repair.

35 (3) There should be no teacher vacancies or misassignments as
36 defined in paragraphs (2) and (3) of subdivision (h).

37 (4) Pupils who have not passed the high school exit examination
38 by the end of grade 12 are entitled to receive intensive instruction
39 and services for up to two consecutive academic years after
40 completion of grade 12 or until the pupil has passed both parts of

1 the high school exit examination, whichever comes first, pursuant
2 to paragraphs (4) and (5) of subdivision (d) of Section 37254. The
3 information in this paragraph, which is to be included in the notice
4 required pursuant to this subdivision, shall only be included in
5 notices posted in classrooms in schools with grades 10 to 12,
6 inclusive.

7 (5) The location at which to obtain a form to file a complaint
8 in case of a shortage. Posting a notice downloadable from the
9 Internet Web site of the department shall satisfy this requirement.

10 (g) A local educational agency shall establish local policies and
11 procedures, post notices, and implement this section on or before
12 January 1, 2005.

13 (h) For purposes of this section, the following definitions apply:

14 (1) "Good repair" has the same meaning as specified in
15 subdivision (d) of Section 17002.

16 (2) "Misassignment" means the placement of a certificated
17 employee in a teaching or services position for which the employee
18 does not hold a legally recognized certificate or credential or the
19 placement of a certificated employee in a teaching or services
20 position that the employee is not otherwise authorized by statute
21 to hold.

22 (3) "Teacher vacancy" means a position to which a single
23 designated certificated employee has not been assigned at the
24 beginning of the year for an entire year or, if the position is for a
25 one-semester course, a position to which a single designated
26 certificated employee has not been assigned at the beginning of a
27 semester for an entire semester.

28 SEC. 2. Section 37254 of the Education Code is amended to
29 read:

30 37254. (a) For purposes of this section, "eligible pupil" means
31 a pupil who is required to pass the California High School Exit
32 Examination for high school graduation pursuant to Chapter 8
33 (commencing with Section 60850) of Part 33, and who has failed
34 one or both parts of that examination, including pupils who have
35 not passed one or both parts of the examination within two
36 consecutive academic years of completion of grade 12.

37 (b) (1) From the funds appropriated for purposes of this section
38 in the annual Budget Act or other statute, the Superintendent shall
39 determine a per pupil rate of funding by dividing the total amount
40 of funds appropriated for purposes of this section by the number

1 of eligible pupils in grade 12 and the number of pupils who have
2 not passed the high school exit examination within two consecutive
3 academic years of completion of grade 12 reported by school
4 districts in accordance with paragraph (7) of subdivision (d). The
5 Superintendent shall then apportion to each school district an
6 amount equal to the per pupil rate determined pursuant to this
7 paragraph multiplied by the number of eligible grade 12 pupils
8 and the number of pupils who have not passed both parts of the
9 high school exit examination within two consecutive academic
10 years of completion of grade 12 reported pursuant to paragraph
11 (7) of subdivision (d).

12 (2) If funds appropriated for purposes of paragraph (1) are not
13 exhausted after the apportionment pursuant to paragraph (1) is
14 made, the Superintendent shall determine a per pupil rate of
15 funding for eligible pupils in grade 11 by dividing the total amount
16 of funds appropriated for purposes of this section remaining after
17 the apportionment pursuant to paragraph (1) has been made by
18 dividing the total number of eligible pupils in grade 11 reported
19 by school districts in accordance with paragraph (7) of subdivision
20 (d). The Superintendent shall apportion to each school district an
21 amount equal to the per pupil rate determined pursuant to this
22 paragraph multiplied by the number of eligible grade 11 pupils
23 reported pursuant to paragraph (7) of subdivision (d).

24 (3) The maximum per pupil rate of funding shall not exceed
25 five hundred dollars (\$500) and shall be increased annually by the
26 percentage determined in paragraph (2) of subdivision (b) of
27 Section 42238.1

28 (c) (1) The funds described in subdivision (b) shall be used to
29 provide intensive instruction and services designed to help eligible
30 pupils pass the California High School Exit Examination.

31 (2) Intensive instruction and services may be provided during
32 the regular schoolday provided that they do not supplant the
33 instruction of the pupil in the core curriculum areas as defined in
34 paragraph (5) of subdivision (a) of Section 60603, or physical
35 education instruction. *Pupils who have not passed one or both*
36 *parts of the high school exit examination within two consecutive*
37 *academic years of completion of grade 12 may receive intensive*
38 *instruction and services on Saturdays, evenings, or at a time and*
39 *location deemed appropriate by the school district in order to meet*
40 *the needs of these pupils.*

1 (3) Intensive instruction and services may include, but are not
2 limited to, all of the following:

- 3 (A) Individual or small group instruction.
- 4 (B) The hiring of additional teachers.
- 5 (C) Purchasing, scoring, and reviewing diagnostic assessments.
- 6 (D) Counseling.
- 7 (E) Designing instruction to meet specific needs of eligible
8 pupils.

9 (F) Appropriate teacher training to meet the needs of eligible
10 pupils.

11 (G) Instruction in English language arts or mathematics, or both,
12 that eligible pupils need to pass those parts of the high school exit
13 examination not yet passed. *A school district may employ different*
14 *intensive instruction and services strategies more aligned to the*
15 *needs and circumstances of pupils who have not passed one or*
16 *both parts of the high school exit examination within two*
17 *consecutive academic years of completion of grade 12 as compared*
18 *to grade 12 pupils with similar needs in a comprehensive high*
19 *school of the district.*

20 (d) As a condition of receiving funds pursuant to subdivision
21 (c), the school district shall accomplish all of the following:

22 (1) Ensure that each eligible pupil receives an appropriate
23 diagnostic assessment to identify that pupil's areas of need.

24 (2) Ensure that each pupil receives intensive instruction and
25 services based on the results of the diagnostic assessment, and
26 prior results on the high school exit examination.

27 (3) Ensure that all pupils who have not passed one or both parts
28 of the high school exit examination by the end of grade 12 are
29 notified in writing at the last known address before the end of each
30 school term of the availability of the services in sufficient time to
31 register for or avail themselves of those services each term for two
32 consecutive academic years thereafter and are notified of the right
33 of a pupil to file a complaint regarding those services as set forth
34 in Section 35186. In addition to notifying the pupil, or his or her
35 parent or legal guardian if the pupil is under the age of 18, in
36 writing, the notice shall be posted in the school office and district
37 office and on the Internet Web site of the school district, if
38 applicable. The notice shall comply with the translation
39 requirements of Section 48985.

(4) Ensure that all pupils who have not passed one or both parts of the high school exit examination by the end of grade 12 have the opportunity to receive intensive instruction and services as needed based on the results of the diagnostic assessment and prior results on the high school exit examination, as specified in paragraph (2), for up to two consecutive academic years after completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first. ~~This instruction shall be comparable to that provided to grades 9 to 12, inclusive, pupils of similar needs who are receiving intensive instruction and services in a comprehensive high school of the district, by ensuring that the intensive instruction and services are provided by instructors with comparable levels of experience or qualification, consists of comparable amounts of instructional time, and provides access to comparable instructional materials. In determining where to offer remediation, a school district shall consider whether the location is accessible to eligible pupils. A school district may employ different intensive instruction and services strategies more aligned to the needs and circumstances of these pupils as compared to grade 12 pupils with similar needs in a comprehensive high school of the district. A school district shall employ strategies for intensive instruction and services that are most likely to result in these pupils passing the parts of the high school exit examination that they have not yet passed.~~

(5) Ensure that all English learners who have not passed one or both parts of the high school exit examination by the end of grade 12 have the opportunity to receive intensive instruction and services provided under paragraph (3) of subdivision (c) that also shall include services to improve English proficiency as needed based on the results of the diagnostic assessment and prior results on the high school exit examination, as specified in paragraph (2), to pass those parts of the high school exit examination not yet passed, for up to two consecutive academic years after completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first. ~~Those services shall be comparable to that provided to grades 9 to 12, inclusive, pupils of similar needs who are receiving services to improve English proficiency in a comprehensive high school of the district, by ensuring that the intensive instruction and services are provided by instructors with comparable levels of experience or~~

1 ~~qualification, consists of comparable amounts of instructional time,~~
2 ~~and provides access to comparable instructional materials. A school~~
3 *district shall employ strategies for intensive instruction and*
4 *services that are most likely to result in these pupils passing the*
5 *parts of the high school exit examination that they have not yet*
6 *passed.*

7 (6) Demonstrate that funds will be used to supplement and not
8 supplant existing services.

9 (7) Provide to the Superintendent, in a manner and by a date
10 certain determined by the Superintendent, the number of eligible
11 pupils at each high school in the school district.

12 (8) Submit an annual report to the Superintendent in a manner
13 determined by the Superintendent that describes the manner and
14 frequency in which eligible pupils were notified of the intensive
15 instruction and services provided, the number of pupils served for
16 each type of service provided, and the number of pupils in the
17 school district who successfully pass the high school exit
18 examination by each type of service provided.

19 (e) The department shall use the Categorical Program
20 Monitoring process set forth in subdivision (b) of Section 64001
21 to monitor compliance with the requirement to permit pupils who
22 have not passed one or both parts of the high school exit
23 examination by the end of grade 12 to be provided with intensive
24 instruction and services. If the department determines that a school
25 district has failed to comply with paragraphs (4) and (5) of
26 subdivision (d), the department shall notify the district in writing
27 of its failure to comply.

28 SEC. 3. Section 52378 of the Education Code is amended to
29 read:

30 52378. The Middle and High School Supplemental Counseling
31 Program is hereby established for the purpose of providing
32 additional counseling services to pupils in grades 7 to 12, inclusive.
33 As a condition of receiving funds, the governing board of each
34 school district maintaining any of grades 7 to 12, inclusive, shall
35 do all of the following:

36 (a) The program shall be adopted at a public meeting of the
37 governing board and shall include all of the following:

38 (1) A provision for individualized review of the pupil's academic
39 and deportment records.

(2) A provision for a counselor to meet with each pupil and if practicable, the parents or legal guardian of the pupil, to explain the academic and department records of the pupil, his or her educational options, the coursework and academic progress needed for satisfactory completion of middle or high school, passage of the high school exit examination, the availability of intensive instruction and services options for up to two consecutive academic years after the completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first, for those pupils who have not passed one or both parts of the high school exit examination by the end of grade 12, and the availability of career technical education. The educational options explained at the meeting, if services are available, shall include college preparatory program and vocational programs, including regional occupational centers and programs and any other alternatives available to pupils within the district.

(b) In addition to the counseling services described in subdivision (a), school districts shall identify pupils who are at risk of not graduating with the rest of their class, are not earning credits at a rate that will enable them to pass the high school exit examination, or do not have sufficient training to allow them to fully engage in their chosen career, and shall do all of the following:

(1) Require each school within its jurisdiction that enrolls pupils in grades 10 and 12 to develop a list of coursework and experience necessary to assist each pupil in their respective grade that has not passed one or both parts of the high school exit examination and to successfully transition to postsecondary education or employment.

(2) Require each school within its jurisdiction that enrolls pupils in grade 7 to develop a list of coursework and experience necessary to assist each pupil in grade 7 who is deemed to be at the far below basic level in English language arts or mathematics pursuant to California Standards Tests administered to pupils in grade 6 to successfully transition to high school and meet all graduation requirements, including passing the high school exit examination.

(3) A copy of the list of coursework and experience necessary shall be provided to the pupil and his or her parent or legal guardian. The school district shall ensure that the list of coursework and experience is part of the cumulative records of the pupil.

1 (4) Inform the pupil who has not passed one or both parts of the
2 high school exit examination of the option of intensive instruction
3 and services.

4 (c) (1) In addition to the items identified in subdivision (b), the
5 list of coursework and experience for a pupil enrolled in grade 12
6 shall include options for continuing his or her education if he or
7 she fails to meet graduation requirements. These options shall
8 include, but not be limited to, all of the following:

9 (A) Enrolling in an adult education program.

10 (B) Enrolling in a community college.

11 (C) Continuing enrollment in the pupil's school district.

12 (D) Continuing to receive intensive instruction and services for
13 up to two consecutive academic years after completion of grade
14 12 or until the pupil has passed both parts of the high school exit
15 examination, whichever comes first.

16 (2) A copy of the list of coursework and experience necessary
17 shall be provided to the pupil and his or her parent or legal
18 guardian. The school district shall ensure that the list of coursework
19 and experience is part of the cumulative records of the pupil.

20 (d) As a condition of receipt of funds pursuant to this article, a
21 school district shall require each school within its jurisdiction to
22 offer and schedule an individual conference with each pupil,
23 identified in paragraphs (1) and (2) of subdivision (b), and his or
24 her parent or legal guardian, and a school counselor. The individual
25 conference shall be scheduled, to the extent feasible, according to
26 the following requirements:

27 (1) For a pupil enrolled in grade 7, the conference shall occur
28 before January of that school year in which the pupil is enrolled
29 in grade 7.

30 (2) For a pupil enrolled in grade 10, the conference shall occur
31 between the spring of that school year in which the pupil is enrolled
32 in grade 10 and the fall of the following school year in which the
33 pupil would be enrolled in grade 11. For the 2006–07 school year,
34 the conference shall occur on or before December 31, 2006.

35 (3) For a pupil enrolled in grade 12, the conference shall occur
36 after November of that school year in which the pupil is enrolled
37 in grade 12, but before March of the same school year.

38 (e) During the individual conference described in subdivision
39 (d), the school counselor shall apprise the pupil identified in

1 paragraphs (1) and (2) of subdivision (b), and his or her parent or
2 legal guardian of the following:

3 (1) Consequences of not passing the high school exit
4 examination.

5 (2) Programs, courses, and career technical education options
6 available for pupils needed for satisfactory completion of middle
7 or high school.

8 (3) Cumulative records and transcripts of the pupil.

9 (4) Performance on standardized and diagnostic assessments of
10 the pupil.

11 (5) Remediation strategies, high school courses, and alternative
12 education options available to the pupil, including, but not limited
13 to, informing pupils of the option to receive intensive instruction
14 and services for up to two consecutive academic years after
15 completion of grade 12 or until the pupil has passed both parts of
16 the high school exit examination, whichever comes first.

17 (6) Information on postsecondary education and training.

18 (7) The pupil's score on the English language arts or
19 mathematics portion of the California Standards Test administered
20 in grade 6, as applicable.

21 SEC. 4. Section 52380 of the Education Code is amended to
22 read:

23 52380. As a condition of receipt of funds pursuant to this
24 chapter, a school district shall submit an annual report in a manner
25 determined by the Superintendent that describes the number of
26 pupils served, the number of school counselors involved in
27 conferences, the number and percentage of pupils who participated
28 in conferences and who successfully pass the high school exit
29 examination, and the number and percentage of pupils who
30 participated in conferences and who fail to pass one or both
31 sections of the exit examination, and a summary of the most
32 prevalent results for pupils based on the graduation plans developed
33 pursuant to this chapter. The report also shall contain an assurance
34 that the school district has complied with subdivision (e) of Section
35 52378.

36 SEC. 5. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O